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Item 4 of the provisional agenda*

ACTION AGAINST NATIONAL AND TRANSNATIONAL ECONOMIC AND ORGANIZED CRIME, AND THE ROLE OF CRIMINAL LAW IN THE PROTECTION OF THE ENVIRONMENT: NATIONAL EXPERIENCES AND INTERNATIONAL COOPERATION

Communication dated 23 November 1994 from the Secretary for Justice of Argentina to the Executive Secretary of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

The Secretary for Justice of Argentina has the honour to request that, in accordance with the rules of procedure in force for the holding of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, appropriate action should be taken to enable the attached draft resolution to be considered by that gathering.

Please accept the renewed assurances of my highest consideration.

(*Signed*) Elias Jassan
Secretary for Justice

*A/CONF.169/1.

DRAFT RESOLUTION

General world convention on organized transnational crime

The United Nations Ninth Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling General Assembly resolution 46/152 of 18 December 1991, in which the Assembly approved the statement of principles and programme of action of the United Nations crime prevention and criminal justice programme, annexed to that resolution,

Acknowledging with appreciation the work of the World Ministerial Conference on Organized Transnational Crime, held at Naples from 21 to 23 November 1994, in particular the debates on items 8 and 9 of its agenda, as well as its recommendations on the feasibility of international instruments, including conventions, against organized transnational crime,

Recognizing that it is necessary for all States to agree on a way to maximize cooperation in order to elaborate an international convention that will make it possible to coordinate the struggle against organized crime so as to ensure greater effectiveness and flexibility and that will incorporate innovative legislative modalities, as regards both substantive and procedural legislation,

Recognizing also that an international convention would allow activities aimed at combating organized crime to be harmonized, resulting in considerable possibilities for successful action,

Conscious that an international convention could provide mutual benefits for all States, and particularly for the parties to that convention,

Conscious also that international cooperation is necessary as a primary preventive measure aimed at preventing and reducing transnational crime; improving crime prevention and criminal justice policies; establishing and maintaining suitable channels of communication and information among the authorities or institutions responsible for the prevention of transnational crime; raising the level of training, information and specialization of staff involved in combating such crime; and introducing technical assistance arrangements, particularly for those developing countries affected by such crime, without excluding developed countries,

1. *Invites* the Commission on Crime Prevention and Criminal Justice to give priority to studying the feasibility of an international convention on organized transnational crime, consulting Governments on matters to be included in the convention and inviting them to express their views on the elements contained in the annex to the present resolution;

2. *Requests* the Secretary-General to give the necessary assistance to ensure the implementation of the present resolution.

Annex

ELEMENTS FOR POSSIBLE INCLUSION IN AN INTERNATIONAL CONVENTION AGAINST ORGANIZED TRANSNATIONAL CRIME

The following elements might be included in an international convention against organized transnational crime:

(a) The development of both substantive and procedural national legislation against transnational criminal organizations and their activities, in harmony with the legislation of other States;

(b) The utilization of all available arrangements for international cooperation against transnational criminal activities, and the implementation on a larger scale of existing measures at the regional level;

(c) The development of regulatory measures and administrative regulations that would make the commercial and banking sectors more transparent and accountable and therefore less susceptible to infiltration by transnational criminal organizations;

(d) The taking of concerted action against money-laundering and the use of the proceeds of crime, including the exertion of pressure on tax havens to tighten up their procedures and to cooperate in developing a higher level of transparency;

(e) The provision of mutual assistance among States by delivering the persons, evidence and assets requested by a party to the convention, according to the principles contained in the Model Treaty on Extradition,[1] the Model Treaty on Mutual Assistance in Criminal Matters (together with its Optional Protocol concerning the proceeds of crime)[2] and the Model Treaty on the Transfer of Proceedings in Criminal Matters;[3]

(f) The development of uniform techniques of investigation and prosecution against transnational criminal organizations, including more sophisticated means of gathering information, collecting evidence and analysing financial flows and/or investigating suspicious transactions, and the setting up of specialized national investigative units to deal specifically with organized crime;

(g) The exchange of information in order to assist other States in the investigation, apprehension and prosecution of those engaged in transnational crime;

(h) The provision of positive responses to requests for judicial assistance and other forms of technical assistance, with a view to strengthening national criminal justice and law enforcement systems against transnational criminal organizations;

(i) The consideration of modalities for encouraging States to implement the convention fully;

(j) The adoption of collective measures to ensure that there are no safe havens and to avoid tacit support for, or collusion with, transnational criminal organizations.

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[1]General Assembly resolution 45/116, annex, of 14 December 1990.

[2]General Assembly resolution 45/117, annex, of 14 December 1990.

[3]General Assembly resolution 45/118, annex, of 14 December 1990.